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UNDER ARTICLE 9 OF THE CONVENTION

Ninth periodic reports of States Parties due in 1993

Addendum

ITALY*

[9 August 1993]

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* This report contains in a single document the eighth and ninth periodic reports of Italy due on 4 February 1991 and 4 February 1993 respectively.

For the sixth and seventh pericdic reports submitted by the Government of Italy and the summary records of the Committee's meetings at which the reports were considered, see:

(6) CERD/C/156/Add.1 (CERD/C/SR.880);
(7) CERD/C/182/Add.2 (CERD/C/SR.880).

Introduction

1. This report by the Italian Government on the International Convention on the Elimination of All Forms of Racial Discrimination covers the period from 1987 up to April 1993. It was prepared within the framework of the institutional activities of the Interministerial Committee on Human Rights, set up in 1978 by the Ministry of Foreign Affairs, and as far as possible takes account of the indications and recommendations of the Committee on the Elimination of Racial Discrimination (CERD).

Article 2

2. In recent years, and particularly since 1990, there have been a number of instances of intolerance in Italy vis-à-vis non-Community citizens and nomads, sometimes of a xenophobic or anti-semitic nature. The principals in these sporadic initiatives have been extreme right-wing groups, which have become more active, and also gangs of "skinheads". Only in 1992 did this phenomenon take on the features of a racially discriminatory activity, although the perpetrators are still the same groups.

3. To preclude any possible increase in what are still isolated incidents and to use legislation to cope with forms of racial intolerance that have appeared in Italy in recent years, on 19 December 1992 the Italian Government submitted to Parliament Bill No. 2061/C, on urgent measures with regard to racial, ethnic and religious discrimination. This new legislative measure follows a tradition of absolute protection of the right not to suffer discrimination on grounds of race, language, religion or political opinion, one that is based on the same fundamental principles as those of the Constitution and is also reflected in, for example, Italy's full accession to the international conventions on the subject and in Act No. 101 of 8 March 1989, setting out principles on the relations between the State and the Union of Italian Jewish Communities.

4. Following the submission of the bill to Parliament, the Government, well aware of the long road to be taken before the bill became law, and considering the urgent need to supplement or change the regulations on racial, ethnic and religious discrimination, with a view to devising more effective instruments for the prevention and repression of xenophobic or anti-semitic intolerance and violence, turned the bill into Decree-Law No. 122 of 26 April 1993, which came into force on 28 April 1993.

5. In view of the importance of the new regulations which, inter alia, are specifically intended to strengthen Italy's implementation of the Convention, a summary of each of the new provisions is set out in the commentary on article 4.

Article 3

6. As already demonstrated in earlier reports, the policy of the Italian Government has always been one of clear condemnation of all forms of racial segregation and apartheid.

Article 4

7. As stated earlier, Decree-Law No. 122, which contains special provisions concerning propaganda to promote racial discrimination or hatred, identifies various kinds of offences and specifies the penalties. A summary of the principles contained in each of the articles of this new legislation is set out here.

8. Article 3 of Act No. 654 of 13 October 1975, in which Parliament authorized ratification of the Convention, implemented the obligation set out in article 4 of the Act by establishing in Italian law specific offences covered by paragraphs (a) and (b) of the article and by prescribing the relevant penalties. Article 1 of the Decree-Law of 26 April 1993 partly amends article 3 of Act No. 654. The offences of dissemination of racist ideas, incitement to violence and provocation of violence now cover not only racial but also ethnic hatred; it is further specified that not only incitement to violence but also the perpetration of acts of violence is considered an offence. In addition, the penalty for the various offences (one to four years' imprisonment) "is increased if the act is committed by using the press or any means of propaganda, or in the course of public meetings". As to racist organizations and associations, the new Decree-Law also sets out a more exhaustive provision in article 1 and introduces the principle of higher penalties for the leaders and promoters. The provision is therefore amended to read:

> "Any organization, association, movement or group with aims that include incitement to discrimination, to hatred or to violence on racial, ethnic, national or religious grounds shall be prohibited. Anyone who participates in such organizations, associations, movements or groups or assists in their activities shall be punished, for the mere fact of such participation or assistance, by one to five years' imprisonment or, if the organization, association, movement or group has aims that include incitement to violence, from two to seven years' imprisonment. The penalties shall be increased for the leaders and promoters of such organizations, associations, movements or groups".

9. Article 2, which contains provisions on prevention, extends the penalties which Italy applies to mafia-type criminal activities to persons who are "to be considered as members of associations, movements or groups which advocate, threaten or use violence for the purpose of ethnic, racial or religious discrimination or hatred", and to persons who "in the course of public meetings show signs or display the customary or self-created emblems or symbols of associations, movements or groups with aims that include incitement to violence, discrimination or hatred on ethnic, national, racial or religious grounds".

10. Article 3 increases the penalty by one third to one half "for offences, punishable by a penalty other than life imprisonment, committed for the purposes of ethnic, national, racial or religious discrimination or hatred, or with the aim of facilitating the activity of associations, movements or groups whose objectives include these purposes".

11. Article 5 authorizes searches, seizures and, in the event of a court sentence, confiscation of immovable property, when the perpetrator of one of the offences involving racial discrimination or hatred "has used it as a meeting place, or as a store or place of refuge", as well as the search for, confiscation and seizure of "emblems, symbols or propaganda materials made by or customary to associations, movements or groups whose aim is, inter alia, incitement to violence or hatred on ethnic, national, racial or religious grounds".

12. Article 6 contains procedural provisions and lays down that, for the offences covered by article 3, official proceedings must be taken in all cases.

13. Article 7 provides that, in specific cases, when "there are good reasons to believe that the activity of associations, movements or groups favours the perpetration" of racial offences, the association, movement or group may be suspended or even dissolved and its property confiscated. In its circular of 28 April 1993, the Ministry of the Interior has taken steps for its personnel to be fully acquainted with the regulations in question.

14. The offence of racist propaganda, as covered by the Italian law ratifying the Convention, has also been the subject of court application and interpretation. Particular mention should be made of the ruling by the Supreme Court of Cassation, Section V, on 16 January 1986, which stated in connection with defamation in the press and racist propaganda that the local Jewish communities and the Union of these communities had the right to be regarded as "passive subjects and injured parties in respect of the offence of defamation in the press of the Jewish community". Moreover, "this right may be recognized in respect of an individual belonging to Jewish race, since the common interest of the Jewish community, unlike the general interest, which by nature is indivisible, may be divided and considered on an individual basis".

15. In the same ruling, the Court of Cassation specified that, in the case of "an offence against all persons belonging to the Jewish race taken indiscriminately and individually, a fundamental right of the individual is inevitably involved, namely the right to honour and reputation, which is guaranteed by article 2 of the Constitution as part of the inviolable rights of persons viewed first and foremost as individuals before being considered as members of social groups within which the individual personality develops".

Article 5

16. In the various matters governed by article 5 of the Convention, Italian law and jurisprudence do not in the main, contain anything new to add to the principles illustrated in the previous reports, which are to a large extent based not only on the Convention but also on the other United Nations conventions and regional conventions ratified by Italy.

17. Among the matters covered by article 5, only one, the right of entry and residence and the right to work, has been the subject of new regulations, broadly based on liberal principles. They apply to non-Community citizens, to the extent that the principle of free movement set out in the Treaty establishing the European Economic Community and the Treaty of Maastricht

applies to citizens of the Community. Existing problems were examined in detail and, more particularly, an inquiry was conducted in the Chamber of Deputies from November 1988 to November 1989 among ministers, representatives of regional and local communities and representatives of foreigners' associations and communities. The documentation collected is in the file on the "Inquiry into the situation of foreigners in Italy and racist phenomena" published by the Parliamentary Commissions Service in 1990. The basic provisions on this new subject, consisting of enactments and regulations, are set out below.

Foreign citizens entering and staying in Italy

18. Decree-Law No. 416 of 30 December 1989, which became Act No. 39 on 28 February 1990, concerns "Emergency legislative provisions governing political asylum, entry and stay of non-Community citizens and regularization of non-EEC citizens and stateless persons already in the territory of the State". More specifically, the Act:

(a) Puts an end in Italian law to the effects of the declaration of geographical limitation and the reservations concerning articles 17 and 18 of the Geneva Convention of 28 July 1951, ratified by Act No. 722 of 24 July 1954, entered by Italy when the Convention was signed (art. 1, para. 1); it recognizes the refugee status of non-European aliens under the mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR) at the request of the persons concerned (art. 1, para. 3);

(b) Lays down that non-Community aliens may enter Italy for reasons of tourism, study, for work either as wage earners or for self-employment, for medical care and for family and religious reasons (art. 2, para. 1);

(c) Provides that only aliens who present themselves at border posts with a valid passport or equivalent document, recognized by the Italian authorities, and a visa indicating that they have conformed to the provisions in force, including administrative provisions concerning health and insurance, and that they have complied with the requisite formalities (art. 3, para. 1), may enter Italian territory. It also provides that aliens may be refused entry at the border if they have been expelled or reported as a danger to State security, if they belong to mafia-type or drug trafficking or terrorist organizations, as well as aliens who clearly have no means of livelihood in Italy (art. 3, para. 5), with the specification that an individual is not considered as being clearly without such means, even when he does not have sufficient money, if he produces documents testifying that he has property or regularly remunerated employment in Italy or has been engaged by a body, association or private person that will provide sufficient guarantee of direct coverage of his accommodation and food and return to his own country (art. 3, para. 6);

(d) Lays down that only aliens who have entered the country in accordance with the law under the terms of article 3, and have a residence permit, may stay in the territory of the State (art. 4, para. 1). The residence permit is issued by the prefect of police of the province in which the alien is living (art. 4, para. 3), is valid for two years (art. 4, para. 4), and may be renewed or extended (art. 4, para. 6). For non-Community

aliens married to Italian citizens who have lived as spouses, for more than three years in Italy, the residence permit is valid indefinitely (art. 4, para. 7);

(e) Lays down that the person concerned must be notified of measures concerning the entry, stay and deportation of aliens together with a description of the method of appeal and a translation into a language he understands (art. 5, para. 1). Appeal to the regional administrative court of the domicile elected by the alien is admitted against measures refusing recognition of refugee status, and against measures of deportation from Italian territory and against the refusal and withdrawal of the residence permit (art. 5, paras. 2 and 3);

(f) Recognizes the right of aliens holding a residence permit to be registered in the civil register of the commune in which they reside, in accordance with the regulations applicable to Italian citizens (art. 6);

(g) Governs regularization of the status of non-Community citizens and stateless persons living in Italy on 31 December 1989 (art. 9);

(h) Governs regularization of self-employed work by non-Community citizens and by stateless persons living in Italian territory and the recognition of educational diplomas and professional and occupational qualifications obtained in their countries of origin (art. 10);

(i) Lays down that the Office of the President of the Council of Ministers, along with the competent ministries, will give the widest possible publicity to the provisions contained in the Act (art. 11, para. 1), and that the Italian Government shall submit an annual report to Parliament on its implementation (art. 11, para. 2). It also provides for the allocation of contributions to regions preparing programmes to set up primary reception and service centres for immigrant aliens, exiles and their family members (art. 11, para. 3).

19. In implementation of Act No. 39/90, a wide-ranging information campaign was conducted by the Consortium Res Publica agency, from April to June 1992, addressed to non-Community citizens and inviting them to renew their residence permits. The campaign, with a two billion lire budget, involved advertisements and announcements in the press, on television and radio throughout Italy, and information posters in all the towns, and also on public transport (buses) and in railway stations.

20. The Information and Publications Department of the Office of the President of the Council of Ministers also produced a large number of publications which were distributed free of charge to public organizations, cultural institutions and Italian diplomatic offices abroad. They included the following publications:

(a) Emergency legislative provisions governing political asylum, entry and stay of non-Community aliens and stateless persons already in Italian territory;

(b) Report on the implementation of the emergency legislative provisions governing political asylum, entry and stay of non-Community aliens and stateless persons already in Italian territory;

(c) Italy's multi-cultural society;

(d) An instrument of peace: UNHCR's forty years with refugees;

(e) Nonsolonero (video magazine on immigration).

21. In addition, to ensure maximum publicity for this law among aliens in Italian territory, the Office of the President of the Council of Ministers arranged for the publication and free distribution of an information pamphlet (handbook) in five languages (Italian, English, French, Spanish and Arabic). It contains an explanation of Act No. 39, in clear and easily understandable language, with particular emphasis on access to the Italian border, entry visas, residence permits, civil registration, courses of study, work, health assistance, vaccinations, acquisition of Italian nationality, deportation, and a list of the headquarters of foreign communities and of supervisory and assistance associations and bodies to which non-Community citizens can apply to protect their rights in Italy. In addition to this pamphlet, a later publication, also issued by the Office of the President of the Council of Ministers, contains a full version of Act No. 39 translated into eight languages, including Portuguese, Polish and Filipino, and a specimen residence application for non-Community aliens.

22. Pursuant to Act No. 39/90, the Ministry of Labour's circular of 20 January 1990 ("Regularization of the situation of non-Community aliens and stateless persons") authorizes provincial labour offices to handle the issue of any identity documents not possessed by non-Community citizens and stateless persons and also two-yearly residence permits, and to provide the necessary assistance vis-à-vis the prefectures or the competent police stations. The circular also stipulates that registration of non-Community citizens and stateless persons in job placement lists entitles them to equal treatment with Italian workers, both in recruitment and in negotiating work contracts (excluding public employment). It also permits regularized non-Community citizens and stateless persons to set up or become associate members of cooperative societies.

23. Lastly, mention should be made of the decree of the President of the Council of Ministers of 13 March 1992 concerning provisions for a "declaration of a state of necessity to enable family members of Italian citizens repatriated from Albania to enter Italy".

Deportation of aliens

24. Act No. 39 of 28 February 1990 (updated by Decree-Law No. 193 of 29 February 1992), stipulates the cases of deportation in article 7. Deportation is decided in the form of a substantiated order by the prefect and involves notification to leave Italian territory within 15 days. In exceptional cases, when public order or security so require, the Minister of the Interior may decide, in the form of a substantiated decree, on deportation with immediate transfer to the border. This article also provides that the

deported alien shall be returned to the State from which he came. Where there are valid reasons to believe that his safety or freedom there may be threatened, he must be deported to another State. In any event, deportation to a State where the alien may be subject to persecution is not permitted.

25. Appeal against deportation measures may be made to the regional administrative court. The person concerned may within 15 days request a stay of execution of the prefect's decree, which then takes effect as from the date of the request.

26. For the protection of aliens, it is also stipulated that the authorities responsible for issuing orders concerning entry, stay and deportation must notify the person in question of the order along with the procedure for appeal and with a translation in a language known to him, or if this is not possible, in French, English and Spanish.

27. The complex subject of deportation has been recently redefined in Decree-Law No. 107 of 13 April 1993.

Extradition

28. The rules on extradition, have been incorporated in the new Code of Criminal Procedure (Decree of the President of the Republic No. 447, of 22 September 1988), which came into force on 24 October 1989. In particular, article 698 of the new Code of Criminal Procedure ("Political offences. Protection of the fundamental rights of the individual") provides as follows:

> "Extradition may not be granted for a political offence nor when there is good reason to believe that the accused or convicted person will be subjected to persecution or discrimination on the grounds of race, religion, sex, nationality, language, political opinion or personal or social status, or to cruel, inhuman or degrading punishment or treatment, or to acts which violate any of the fundamental rights of the individual. If the death penalty is required by the law of the foreign State for the act for which extradition is requested, extradition may be granted only if the said State gives guarantees, which both the legal authorities and the Minister of Justice consider adequate, that sentence will not be passed, or if it has already been passed that it will not be carried out".

29. As can be seen from the report on the draft of the Code (prepared by the relevant Ministerial Commission so as to explain not only the principle selected but also the content of each of the provisions), it was considered that article 698 of the Code of Criminal Procedure, in a complete change from the system previously in force, should attach prime importance to protecting the fundamental rights of the individual by establishing that any extradition which might jeopardize those rights for any of the reasons set out in the article or might lead ultimately to enforcement of the death penalty should be formally ruled out.

Right to free assistance of an interpreter in the new criminal procedure

30. Among the innovations in Italy's new Code of Criminal Procedure, which came into force on 24 October 1989, of particular interest in this context are the provisions which guarantee the right of persons whose mother tongue is not Italian to the assistance of interpreters, free of charge. More particularly, article 143, paragraph 1, ensures that, if the accused does not speak Italian, he has the right to be assisted free of charge by an interpreter in order to understand the charges against him and to follow the course of the proceedings in which he is involved.

31. It should be noted that in this provision the word "accused" has been used instead of "alien", so as to cover anyone (regardless of whether or not he is a citizen) who does not speak Italian and is therefore not in a position to understand the charges and to follow the course of the proceedings in which he is involved.

32. The legal background for this measure is to be found in the provisions of article 24 of the Constitution, which sets out the fundamental principle with regard to procedural guarantees whereby "every individual is empowered to take legal action to protect his own legitimate rights and interests".

Political asylum

33. With regard to political asylum, in addition to Act No. 39 of 28 February 1990, mention may also be made of Act No. 523 of 23 December 1992, whereby the Italian Parliament authorized ratification of the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities, signed in Dublin on 15 June 1990.

34. In Decree No. 237 of 24 July 1990, the Ministry of the Interior gave instructions for assistance to political asylum seekers.

Primary reception centre for immigrants

35. The phenomenon of migration in recent years, and particularly the situation which has arisen in the territories of the former Yugoslavia, have led the Italian Parliament and Government to adopt a series of legislative measures to set up primary reception centres for foreigners, either at border crossings or in other parts of Italian territory. Such measures include:

(a) Ministerial Decree No. 244 of 26 July 1990, of the Treasury, concerning "Regulations for the allocation of contributions to the regions to set up primary reception and service centres for immigrants";

(b) Decree of the President of the Council of Ministers of 28 December 1990 providing for the "Allocation under Act No. 416 of 30 December 1989 of 30 billion lire for the regions to finance programmes to set up primary reception and service centres for the year 1990";

(c) Decree of the President of the Council of Ministers of 21 April 1992 providing for "Allocation of contributions to the regions to finance programmes to set up primary reception and service centres for non-EEC Community aliens and integrated regional programmes for the year 1992";

(d) Decree-Law No. 305 of 6 June 1992 concerning "Urgent measures relating to the situation in the Republics of Serbia and Montenegro";

(e) Decree No. 567 of 21 December 1992, containing regulations on the "Establishment at border posts of reception facilities for foreigners". These reception facilities are intended to provide foreigners entering the territory of the State with all possible information and cooperation concerning their legal obligations and the use of public services. Arrangements are also made for assistance facilities and health services.

Assistance facilities for foreigners

36. In order to ensure that its provisions are applied, Act No.943/86 provided for new facilities to meet the information and assistance requirements of foreign workers. According to Ministerial Decree of 26 September 1989, a Service for the problems of non-Community immigrant workers and their families, was set up in the Employment Department of the Ministry of Labour. The Service promotes action at various operational levels, ranging from information on equal treatment of immigrants to lists of jobs available, problems of integration in the new social situation, vocational training, housing difficulties, protection of the language and culture of origin, and social security and assistance. The Service also sees to the regularization procedures laid down by Act No. 39/90, and the monthly collection of data on progress in that regard from the Labour Offices. As a contribution to possible job opportunities and in accordance with its own duties as set out in article 3 of Act No. 943/86, the Service has, with the consent of the Cooperation Department, prepared a handbook for non-Community citizens on social facilities and cooperation, which will be made available to the Labour Offices and to associations and bodies which handle the problems of non-Community workers.

37. The Ministerial Decree of 4 July 1989 also set up the Council for the problems of non-Community workers and their families, to programme assistance and counselling activities, thus rendering the protection of the rights of immigrants more effective. The Council is made up of representatives of non-EEC citizens and delegates of various trade union organizations, the ministers concerned, the local authorities and associations providing assistance to immigrants. In order to guarantee effective nationwide coordination of the work of the various public bodies involved in devising immigration regulations, the Council has been divided into five standing subcommittees, coordinated by an executive committee headed by the Minister of Labour and Social Security, to remove obstacles to the proper exercise of the recognized rights of aliens legally living in Italy. The Service for the problems of non-Community workers, mentioned earlier, acts as secretariat of the Council and endeavours to harmonize local initiatives by Ministry of Labour-related bodies with action programmed nationally on the basis of the Ministry's policy guidelines and the Council's opinions. In the course of the

year, the Council meets several times in plenary or in the various subcommittees, and deals with emergency problems and situations.

38. In the provincial labour offices, the Ministerial Decrees of 11 April 1989 and 26 September 1989 instituted the "IVth zone", for information and promotion services for migrant workers, which is in a position to try and meet immediate demands as quickly as possible and act on them in the overall context of an active policy of appropriate initiatives to help such workers. This activity takes the form of assistance and counselling to make sure that the persons concerned learn of and obtain job opportunities; it also provides a response so far as the present regulations and the enactment of legislation are concerned.

39. Immediate and precise instructions on the subject of the recent Albanian question and the problem of distributing more than 20,000 refugees among Italy's various provinces were issued to the Employment Department, the regional Labour Offices and to the inspectorates so that they could make arrangements with the bodies under their authority to ensure the issue of work permits and participation in any vocational training courses as rapidly as possible for Albanian workers applying for registration in the placement lists. The measures to assist the Albanian immigrants were exceptional and based on humanitarian considerations.

Protection of foreign workers

40. With reference to migration, the Government has also adopted rules and regulations to protect foreigners with an occupation in Italy. These provisions are basically intended not only to place foreign workers on the same footing as Italian workers, but also to regularize the administrative position of aliens and stateless persons already in Italy.

41. Pursuant to Act No. 39/90, in its Ministerial Circular of 20 January ("Activities on behalf of non-EEC immigrant workers") the Ministry of Labour gave instructions that all public bodies in the various provinces should take steps to facilitate the administrative procedures required in respect of non-Community workers, and simultaneously ensure that the substance of the new legislation was widely publicized both in the press and on local television. The Circular also required contacts to be initiated with schools and universities to define procedures regarding the recognition of the educational diplomas and professional and occupational qualifications obtained by non-EEC citizens in their countries of origin.

42. Pursuant to article 9 of Act No. 39/90, Circular No. 63 of the National Social Security Institute (INPS) of 14 March 1990 ("Emergency legislative provisions governing political asylum, entry and stay of non-Community aliens and stateless persons already in Italian territory") sets out rules for the regularization of employment situations as at 31 December 1989, and provides for exemption from the various forms of social insurance contributions, only for periods of work up to the date preceding the date of the declaration of irregular work situations, provided that such declarations are submitted within the 120 days following the date of entry into force of the decree. It also confirms that someone other than the worker may pay the contributions for compulsory disability, old age and survivors insurance.

43. Circular No. 31 of the Ministry of Labour of 30 March 1990 ("Act No. 39 of 28 February 1990: Non-Community foreign workers, regularization") reaffirms and clarifies the previous Circular of 20 January 1990 and further explains that the regulations on access to employment set out in Act No. 943/86 and Decree-Law No. 416/89 preclude direct recruitment for non-Community workers and stateless persons.

44. Circular No. 78 of the Ministry of Labour of 4 August 1990 ("Transfer of non-Community workers from abroad to Italian or foreign enterprises operating in Italy") contains guidelines for preventing the risk of company contracts with the foreign firms employing the workers in question from becoming mere prohibited forms of supply of labour that are penalized by law.

45. Ministerial Decree No. 294 of 14 August 1990, published by the Ministry of Industry and Trade, gives the criteria and the procedures for the special examinations for non-Community citizens and stateless persons wishing to be included in the register of persons engaged in the food or beverage trade.

46. Circular No. 100 of the Ministry of Labour, of 29 February 1990 ("Act No. 39 of 28 February 1990: Non-Community foreign workers, miscellaneous issues") states that:

(a) Non-Community foreigners married to Italian citizens have the right to be registered in local ordinary and agricultural job placement lists and to take part in all forms of vocational training provided for Italian workers in accordance with the instructions set out in Circular No. 31 of 1990;

(b) For non-Community citizens already living regularly in Italy in 1989 but absent for short periods, the provincial labour offices and inspectorates will consider that the residence permit issued by the competent authority to non-Community citizens who entered Italy without a special visa after 1 January 1990 is valid for the purposes of a work permit and for subsequent registration in job placement lists, provided the residence permit contains a special entry to the effect that the person is a non-Community citizen already permanently in Italy in 1989;

(c) For refugee non-Community citizens, even those who entered Italy after 31 December 1989, the right to request registration in the local ordinary and agricultural placement lists and to take part in all forms of vocational training provided for Italian workers is granted in accordance with the instructions given in Circular No. 31 of 1990.

47. Decree-Law No. 415 of 29 December 1990, concerning "Initiatives at the regional level: extensions with regard to health assistance", allows non-Community citizens living in Italy and included in the placement lists to be placed on the same footing as jobless Italian citizens in all matters connected with National Health Service coverage and the related compulsory contributions.

48. Circular No. 156 of the Ministry of Labour of 29 November 1991 ("Non-Community workers to be assigned to domestic service") puts an end to the halt on the issue of work permits for non-Community citizens who have just entered Italy in the expectation of employment as domestic workers.

49. The Decree of the President of the Council of Ministers of 20 December 1991 ("Definition of programmed flows of non-Community citizens for 1992") establishes the categories admitted into Italy under the terms of article 2, paragraph 3, of Act No. 39 of 1990. In the related circular No. 6 of 10 January 1992, the Ministry of Labour specifies, inter alia, that non-Community workers must, before entering Italy, obtain the work permit issued by the provincial labour offices, as well as the special entry visa issued by the Italian diplomatic authorities in their State of origin or of fixed residence. The Circular also specifies that the work permit may only be issued once it has been ascertained that no Italian, Community and non-Community workers registered in the job placement lists are available.

50. Under Act No. 423 of 23 December 1991 ("Provisions to assist Yugoslav citizens belonging to the Italian minority") Yugoslav citizens belonging to the Italian minority who have been obliged to leave their country because of war or civil war, may within eight days of their entry into Italy, apply to the competent authorities for a special residence permit, on production of such evidence as they possess concerning their membership of the local Italian communities in question.

51. Act No. 17 of 22 January 1992 amended and converted into a law, Decree Law No. 369 of 22 November 1991, concerning "Special measures for the provinces of Trieste, Gorizia and certain communes of the province of Udine affected by the political and institutional crisis in Yugoslavia".

52. Circular No. 77 of the Ministry of Labour of 19 June 1992 ("Recruitment of non-Community citizens as professional nurses under Act No. 39/1990 (art. 9, para. 4), and Inter-Ministerial Decree No. 174 of 5 March 1991, and subsequent amendments; provisions for 1992") sets out, by agreement with the other administrations concerned, instructions on the issue of work permits to non-Community citizens wishing to find employment in Italy as professional nurses, so as to ensure the requisite uniformity in the procedures of the State bodies responsible for issuing the various administrative documents. In particular, the employer may only recruit the worker after obtaining from the Ministry of Health a declaration of equivalence of the nursing diploma obtained by the worker in question.

Trade union agreements to assist foreign workers

53. Local agreements have also been concluded between employers' and workers' trade unions in connection with non-Community workers already in Italian territory.

54. They include the "API-Milan and CGIL-CISL-UIL Provincial Agreement of 20 November 1989". In this document the unions in question agreed that, for 1990, with reference to the labour market in the area of Milan, the experimental objective for recruitment of non-Community workers by small and medium enterprises should be not less than 10 per cent and available and compatible with job opportunities.

55. Mention should also be made of the API Turin and CGIL-CISL-UIL "Provincial Agreement on the labour market, endorsed by the Ministerial Decree of the Ministry of Labour of 15 February 1990". To preclude illegal work of

any kind, the options set out in points 1 and 2 of the agreement are applicable to non-Community workers registered in the placement lists, so as to offset existing constraints on recruitment. The parties to the agreement agree that non-Community workers employed in small and medium enterprises on 31 December 1991 may total at least 100 excluding those recruited with a short-term contract. In both documents, the parties undertake to publicize, suitably and in several languages, the opportunities afforded to non-Community citizens as a result of these agreements.

Acquisition of Italian nationality

56. As to the civic rights of foreigners under the Italian legal system, it seems appropriate to mention Act No. 91 of 5 February 1992 on "New nationality regulations". This law recognizes the right of minors to acquire Italian nationality after recognition or legal declaration of affiliation (art. 2), of foreign minors adopted by Italian citizens, (art. 3), of aliens or stateless persons with a parent or forebear to the second degree in the direct line who is a native-born Italian citizen (art. 4), of spouses, whether foreigners or stateless persons, of Italian citizens, when they have lived legally for at least six months in Italian territory, or three years after the date of marriage if there has been no dissolution, annulment or cessation of civil effects or legal separation (art. 5), and of the under-age children of anyone who acquires or recovers Italian nationality (art. 14).

57. In a subsequent circular of November 1992, the Ministry of the Interior brought the new legislation to the attention of its subordinate bodies, indicating the changes compared with earlier innovations legislation and stressing to what extent new Act No. 91/92 fully accepts the principle of equality between men and women.

Religious freedom

58. Activity on the part of the Italian Government specifically to implement the principle of religious freedom enunciated in the Constitution (arts. 3, 7, 8, 18, 19 and 20) has in recent years been stepped up in a large number of sectors. Since 1987 a number of laws have been enacted with the specific intention of implementing constitutional principles regarding religious freedom and some other initiatives have been taken.

59. Among the legislative provisions in this regard particular mention may be made of the following:

(a) Act No. 517 of 22 November 1988, ratifying the agreement between the Italian State and the religious denomination known as the Assembly of God in Italy;

(b) Act No. 516 of 22 November 1988, ratifying the agreement between the Italian State and the religious denomination of the Seventh Day Adventists;

(c) Act No. 101 of 8 March 1989, ratifying the agreement between the Italian State and the Union of Italian Jewish Communities.

60. With regard to specific problems of religious freedom, article 18 of Act No. 516 of 1988, approving the agreement with the Union of Adventist Churches, and article 4 of Act No. 101 of 1989, approving the agreement with the Jewish Communities, provide for the recognition of the Saturday holiday. Under these regulations, the Adventists and the Jews have the right, at their request, to take Saturday as their weekly day of rest.

61. In addition, article 5 of Act No. 101 of 1982 extends the Saturday option to the main Jewish holidays, and adds another seven holidays to the calendar established by decree of the Ministry of the Interior, on the recommendation of the Union of Jewish Communities.

Statistical data on immigration in Italy

62. It is useful at this point to provide some statistical data, collected in recent years and updated in 1992, on immigration into Italy, with particular reference to the occupations of these foreigners.

63. The first important data on the flow of foreign workers to Italy may be taken from two censuses:

1971 census: 121,116 resident;

1981 census: 210,937 resident and 110,000 temporary.

64. Following the promulgation of Act No. 39 of 28 February 1990 (quoted earlier), at the end of August 1990, 689,000 aliens were legally resident in Italy, including 549,000 who were non-Community aliens. Of the latter, 80 per cent were resident in the northern and central Italy and the remaining 20 per cent in the south and in the islands.

65. On 30 September 1992, 168,138 non-Community workers were permanently employed in Italy:

(a) 49.5 per cent in industry;

(b) 41.8 per cent in other activities (services, catering, etc.);

(c) 8.7 per cent in agriculture.

There were also 21,897 domestic workers, mostly female (70 per cent).

66. The statistical data in the possession of the Ministry of Labour show that the number of non-Community workers officially registered by occupational status was 217,378 in December 1990. Non-Community citizens registered in the job placement lists fell sharply in 1991 compared with the previous year - from 113,972 in 1990 to 83,903 in 1991 (approximately 17 per cent) - particularly in the agricultural sector, where the number of person recruited dropped by more than 50 per cent. In 1992, there was a slight increase over the previous period; on 30 July 1992 there were 83,610 registered on the lists. Recruitment in 1991 (125,462) also dropped compared with the previous year, though slightly (3 per cent), in agriculture, industry and other

activities, while the decrease was greater (approximately 30 per cent) in domestic work (17,977 persons recruited in 1991 compared with 25,879 in 1990).

67. In 1992, 31,629 new work permits were issued (14,621 men and 17,008 women), under article 8 of Act No. 943/86.

68. With regard to the characteristics of non-Community persons hired most were men, usually without educational diplomas; 30.7 per cent of the non-Community citizens already in Italy are between 18 and 24 years of age and 28.5 per cent are between 24 and 29 years of age; 45 per cent of the non-Community come from the Mediterranean countries and, of these, 14 per cent are from the former Yugoslavia. There is also a considerable number of workers from Morocco (12 per cent), Sri Lanka (9 per cent), the Philippines (8 per cent) and the eastern European countries.

69. It seems appropriate to stress that the movement from the south and the north of Italy, where possibilities of work and acceptance are greater, has become more pronounced. Most of the permits were issued in northern Italy (approximately 17,000 during 1992), chiefly in Lombardy (approximately 4,700), in Trentino-Alto-Adige (approximately 4,300) and in Veneto (approximately 2,600). In Central Italy, in Latium, the number is approximately 5,000, and in southern Italy, in Campania, approximately 3,000.

70. In the Provinces, where there seem to have been no particular difficulties in absorbing foreign manpower, recruitment has largely been in the industrial sector and has taken the form of job-training and fixed term contracts; other instances were the building sector (labourers) and the tertiary sector (porters), catering and tourism, often with modest qualifications which Italian workers have long ceased to accept.

71. There is large-scale participation of non-Community citizens in cooperative societies; on 31 December 1991, 513 cooperatives reported the participation of non-Community citizens, as non-associate members but more particularly as associate members (in a ratio of one to two). It should, however, be pointed out that 79 per cent of these societies are in the north Italian regions. The presence of non-Community citizens in this type of body predominates in the manufacturing (47.4 per cent) and agricultural (25.4 per cent) sectors, which are the economically most productive, although their participation in consumer, construction (housing) and transport cooperatives may also be significant.

Article 7

Protection of ethnic and linguistic minorities

72. Numerous parliamentary initiatives have been taken in the Government's main activities in regard to teaching, education, culture and information on racial, ethnic, religious and linguistic discrimination.

73. A bill on "Regulations concerning linguistic minorities" is currently before the Chamber of Deputies for consideration (A.C. No. 1024). With a view to achieving organized and uniform protection of minorities in our country, this text reasserts the principle of the protection of all forms of ethnic and

cultural minorities such as the language and culture of peoples of Albanian, Catalan, Germanic, Greek, Slav and Gypsy origin and those speaking Ladin, Franco-Provençal and Occitan as well as the language and culture of the Friulian and Sardinian populations. A large number of regulations have also been planned to introduce the minority languages into school curricula of all types and at all levels and to permit the use of the protected languages in commune, district and college-level schools. The bill also provides for the oral use of foreign languages in the offices of the public administration and on radio and television programmes.

74. Furthermore, two legislative initiatives have been taken for the Slovene and Ladin-speaking linguistic minorities. The first is a bill whereby the Government is delegated to issue a decree entitled "Single text concerning protection of the Slovene linguistic minority" (A.S. 613). As a result of this initiative the Government is officially mandated to include in a single text the entire set of regulations concerning the Slovene minority and is empowered to amend and supplement it according to the criteria and guiding principles contained in that mandate. Similarly, a constitutional bill concerning "Regulations for Ladin-speaking linguistic group living in the province of Trento" was again submitted to the Senate, during the present legislative period, with a view to extending the current protective regulations in the autonomous province of Bolzano to the Ladin-speaking linguistic group living in the province of Trento.

Education in Italian schools

75. In the last few years Italian schools have given in-depth consideration to the subject of intercultural and multiracial education, in response to the educational requirements dictated by today's multicultural society, and as a way of averting the danger of racist attitudes. In particular, the growing inflow of foreigners into Italy has made it necessary to prepare appropriate strategies to facilitate their integration into society and into Italian schools.

76. The dimension of the phenomenon of immigration into Italy is revealed by the data collected for a recent survey sponsored by the Ministry of Public Education, which showed that the number of foreigners in kindergartens, primary schools and first-cycle secondary schools in the last two years has more than doubled. In particular, between the school year 1989/1990 and the school year 1991/1992 the number of foreigners attending Italian schools rose from 12,400 to 27,000.

77. In accordance with the guidelines of the Council of Europe and other international bodies, the Italian Ministry of Education has drawn the attention of schools to the subject of intercultural education through a large number of initiatives. They include guidance circulars (in particular the C.M. 205/90) and refresher courses for teachers. Mention should also be made of study congresses and seminars like the one held at Punta Ala from 5 to 7 December 1991; the introductory document to the seminar emphasized the need "to illustrate in each class and at each level, historical, geographical, cultural and linguistic features of the countries of origin of the foreigners present, to stimulate recognition among the latter and to provide a specific and more direct motive of interest for their classmates". In addition, during

the week of 27 March to 2 April 1992, on the specific theme of "intercultural dialogue", schools of all types and levels organized meetings, debates and cultural and artistic events. On 23 April 1992, the National Education Council published a wide-ranging statement on the subject of intercultural education, which stands the most up-to-date reference for Italian schools.

78. The teaching principles in the Italian school system, as provided for in a large number of international documents, include setting great store on the language and culture of origin of foreign students, yet it meets with organizational difficulties not only because of the large number of ethnic groups but also because they are scattered throughout Italian territory (approximately 70 per cent of foreign students are to be found only in ones and twos in classes). In many cases it is the local communities and the immigrant communities themselves which take the initiative of subsidizing the organization of classes on the language and culture of origin of the immigrants. The Ministry of Education is making efforts to ensure a programmed link with the activities of the schools, and also provide premises and facilities.

79. We should also like to mention Ministerial Circular No. 205 of 26 July 1990, in which the Italian Ministry of Education stated that the primary objective of intercultural education is "promotion of the capacity for constructive coexistence in a multifaceted cultural and social environment", stressing how it develops "even in the absence of foreign pupils and in the study of the various disciplines" and how it tends to "prevent the formation of stereotypes and prejudices vis-à-vis persons and cultures, and to transcend any ethnocentric approach, by an educational effort which lends substance to human rights through understanding and cooperation between peoples in a common aspiration towards development and peace".

80. Again, in Ministerial Circular No. 205/90, the Ministry of Education also pointed out "the increase in multicultural and pluri-ethnic situations, towards which attitudes of intolerance or even racism are sometimes displayed, can afford an opportunity for enrichment and development with a view to coexistence based on cooperation, exchange and the productive acceptance of differences as values and opportunities for democratic growth". Aware of the need to give special attention to the question of multicultural situations, Ministerial Circular No. 205/90 requests teachers to give "great attention to the similarities which bring the demands of all individuals closer together and the differences in the different cultural responses, so that even children can understand them".

81. In addition, it should be specified that the Italian school system has not adopted the system of special classes for foreigners only, since they produce a situation of isolation. Ministerial Circular No. 205/90 contains an invitation to "place only a few foreign pupils in each class so as to facilitate their natural linguistic integration with Italian pupils", while it notes that "it may be useful to form groups of even more than five for specific linguistic activities".

82. Moreover, Act No. 148 of 5 June 1990 introduced a reform of the elementary school system. This law is based on the general consideration that "the elementary school, in the context of compulsory education, helps to train the individual and citizen in accordance with the principles set out in the Constitution and respect and promote individual, social and cultural differences" (art. 1 (1)). With regard to the integration of immigrants in Italian schools, Act No. 148/90 provides that "part of teaching time may be set aside for pupils who have fallen behind in their education to catch up on an individual and small-group basis, including foreign pupils, particularly those from non-Community countries" (art. 9 (2)).

83. With regard to religious instruction in Italian schools, the Constitution guarantees religious freedom for everyone, as well as freedom of conscience and freedom of worship. In particular, article 8 of the Constitution provides that "all religious denominations enjoy equal freedom in the eyes of the law" while article 19 lays down that "everyone has the right to profess freely his own religious faith in any form, individually or in association, to publicize it and to worship in private or in public, provided that this does not involve rites contrary to public morals". It is these regulations that govern the non-compulsory teaching of the Catholic religion as well as that of other religious faiths, in schools.

Protection of linguistic minorities in information

84. As far as information is concerned, ethnic and linguistic minorities are protected under Act No. 103 of 14 April 1975, which stipulates in article 19 that the RAI must "broadcast radio and television programmes in German and Ladin for the province of Bolzano, in French for the autonomous region of Valle d'Aosta and in Slovene for the autonomous region of Friuli-Veneto Giulia". In order to fulfil these obligations the Act provides for agreements between the President of the Council of Ministers and the RAI.

85. As a first step in implementation of the Act, the agreement on programmes in German and in Ladin and the agreement for programmes in French were drawn up in 1975 and recently renewed by decree of the President of the Republic on 3 November 1992 (Official Bulletin No. 305 of 30 December 1992) and by decree of the President of the Republic on 23 December 1991 (Official Bulletin No. 254 of 28 October 1992), respectively.

86. The agreement on television programmes in Slovene, however, was only approved for the first time during the period under review, more specifically on 16 October 1992 (Official Bulletin No. 305 of 30 December 1992), mainly because of technical problems due to the lack of available frequencies. We should also point out that, on the basis of the above-mentioned agreements, the following broadcasts are currently made:

4,716 hours annually of radio in German

550 hours annually of television in German

235 hours annually of radio in Ladin

26 hours annually of television in Ladin

78 hours annually of television in French

110 hours annually of radio in French

208 hours annually of television in Slovene

87. Radio programmes in Slovene are governed by Act No. 308 of 14 April 1956, which, in view of the special situation in the territory of Trieste, established that the local offices of the RAI, in addition to the national programmes, should broadcast independently three hours of programmes in Italian every day and programmes in Slovene throughout the day on the Trieste "A" station.

88. The above programmes are news (including a television news bulletin in German - Tagesschau), artistic, cultural and educational programmes complying both with Act No. 103/1975 and the respective special statutes.